

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:

Graciela Garcia and Pedro Garcia

Debtors.

Case No 18-05801

Judge Carol A. Doyle

Chapter 13

Trustee- Tom Vaughn

**NOTICE OF OBJECTION TO CLAIM OF  
CITY OF CHICAGO DEPARTMENT OF FINANCE/  
BUREAU OF UTILITY BILLING AND CUSTOMER SERVICE (CLAIM # 2)**

TO: City of Chicago – Utility Billing  
PO Box 6330  
Chicago, IL 60680

City of Chicago - Corporation Counsel  
121 N LaSalle Street, Ste. 600,  
Chicago, IL 60602

City of Chicago, Department of Finance  
121 N. LaSalle Street, 7th Floor  
Chicago, IL 60602

Trustee – Tom Vaughn\*

City of Chicago – Water Management  
333 S State  
Chicago, IL 60604

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**PLEASE TAKE NOTICE** that on Tuesday, August 14, 2018, at 9:30 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable Carol A. Doyle, Bankruptcy Judge, or any other judge sitting in her stead, in Room 742, the courtroom usually occupied by her, in the United States Courthouse, 219 S. Dearborn, Chicago, Illinois and then and there present Debtor's OBJECTION TO CLAIM OF CITY OF CHICAGO DEPARTMENT OF FINANCE/BUREAU OF UTILITY BILLING AND CUSTOMER SERVICE, a copy of which is attached hereto, at which time and place you may appear if you see fit.

/s/ Susana Heredia  
Susana Heredia

Susana Heredia

Attorney for Debtors  
ARDC ID# 6316564  
LAF  
120 S. LaSalle St, Suite 900  
Chicago, IL 60603  
Phone: 312/229-6339

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing Notice and the attached Objection, by mailing a copy to the person(s) listed above on this the 27th day of June, 2018, except as to persons indicated by an asterisk (\*), who are registrants with the Court's CM/ECF system and have, pursuant to Fed. R. Bankr. P. 7005 and 9036, and §II.B.2 of the Court's Administrative Procedures waived the right to receive notice by first class mail and consented to receive notice electronically, and waived the right to service by personal service or first class mail and consented to receive electronic service.

/s/ Susana Heredia  
Susana Heredia

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**OBJECTION TO CLAIM OF CITY OF CHICAGO DEPARTMENT OF FINANCE/  
BUREAU OF UTILITY BILLING AND CUSTOMER SERVICE (CLAIM # 2)**

Debtors, Graciela Garcia and Pedro Garcia, pursuant to Federal Rules of Bankruptcy Procedure 3007 and 9014, hereby object to the claim filed by City of Chicago Department of Finance/Bureau of Utility Billing and Customer Service (Claim # 2) and move for this Court to disallow the claim, in part, as a secured claim, and allow the claim as a wholly unsecured claim. In support of their objection, debtors state as follows:

1. On February 28, 2018, the Debtors filed this Chapter 13 bankruptcy case.
2. On March 8, 2018, the City of Chicago filed a proof of claim (the “Claim”) in the amount of \$2,658.55. A copy of the Claim is attached as Exhibit “A” and incorporated by reference.
3. The Claim identifies the basis of the claim as a debt for water service.
4. The Claim alleges that the full amount of the claim is secured based on “Statutory Lien – 4811 S Justine.”
5. As stated in Debtors’ schedules, Debtors’ home is fully encumbered by a mortgage. Copy of Debtors’ schedules A/B and D are attached as Exhibit “B” and incorporated by reference.

6. Accordingly, the City of Chicago's claim is wholly unsecured.

7. On February 28, 2018, the Debtors filed their Chapter 13 plan. Part 3.2 of the plan requests that the City of Chicago's secured claim be valued at \$0, and paid as a wholly unsecured claim. Copy of the plan is attached as Exhibit "C" and incorporated by reference.

8. Notice of hearing on plan confirmation and request for valuation of secured claim was given to the City of Chicago. Copy of the Certificate of Service, filed as Doc. 15, is attached as Exhibit "D" and incorporated by reference.

9. On April 17, 2018, the plan was confirmed without objection from the City of Chicago or the Chapter 13 Trustee. Copy of the order confirming the plan is attached as Exhibit "E" and incorporated by reference.

10. On June 26, 2018, the Trustee filed a Motion to Dismiss for Term Plan, alleging that "[t]he plan will complete in 94 months, from the date of confirmation." Copy of the Trustee's motion is attached as Exhibit "F" and incorporated by reference.

11. On information and belief, the Trustee is seeking to pay the City of Chicago's claim in full as a secured claim.

12. Pursuant to 11 U.S.C. § 502(b)(1), a claim that is unenforceable under applicable law, including Illinois law, should not be allowed.

13. As the City of Chicago's claim is wholly unsecured, their secured claim should be entirely disallowed, and their claim should be allowed as an unsecured claim. Therefore, Claim #2 of City of Chicago should be disallowed, in part, as a secured claim, and allowed as wholly unsecured.

WHEREFORE. Debtors pray that the Court:

a. Disallow Claim #2 of City of Chicago as a secured claim;

- b. Allow Claim #2 of City of Chicago as a wholly unsecured claim;
- c. Grant such other, further and different relief as may be just and proper

Respectfully submitted,

/s/ Susana Heredia  
Susana Heredia

Susana Heredia  
Attorney for Debtors  
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